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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,370	10/14/2004	Helmut Tiesler-Wittig	DE 020095	8700

24737 7590 04/18/2007

PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER

WILLIAMS, JOSEPH L

ART UNIT

PAPER NUMBER

2879

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/511,370

**Applicant(s)**

TIESLER-WITTIG, HELMUT

**Examiner**

Joseph L. Williams

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

The response filed on 22 January 2007 has been entered and overcomes the rejection to the claims.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka (EP 0,935,277), of record, in view of Kirsten (US 6,530,678).

Regarding to claim 1, Tanaka ('277) discloses in Figure 1, a gas-discharge lamp having a discharge vessel (1), two electrodes (2), a cap (7), an outer envelope (6), and a filling in the discharge vessel (1) comprising a metal halide (see column 5, lines 34-45), characterized in that the outer envelope (6) is partially coated with an optical compensating filter (14 and 15).

Tanaka ('277) does not disclose that the filter is of a color complementary to the color of the metal halide.

Further regarding claim 1, Kirsten ('678) teaches, in the abstract, a metal halide lamp comprised of, in part, a filter of a complementary color for the purpose of emphasizing the body color of an object to be illuminated.

Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the complementary color filter of Kirsten with the metal

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halide lamp of Tanaka for the purpose of emphasizing the body color of an object to be illuminated.

Regarding to claim 2, Tanaka discloses in Figure 1, the compensating filter (14 and 15) is applied in that region of the outer envelope (6) that is the bottom region of the outer envelope (6) when the lamp is fitted and operating.

Regarding claim 3, Kirsten ('678) teaches the compensating filter comprises an interference filter.

The reason for combining is the same as for claim 1 above.

Regarding to claim 4, Tanaka discloses in Figure 1, the compensating filter (14 and 15) comprises an absorption filter (see column 6, lines 5-23).

Regarding to claim 6, Tanaka discloses in Figure I, the compensating filter (14 and 15) is applied in that region of the outer envelope (6) that, in a lamp which is fitted and operating, is adjacent that region of the discharge vessel (1) in which the non-gaseous proportion of the metal halide is situated.

Regarding to claim 7, please note that the claimed method steps are product by process limitations. Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of product. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the

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claim is unpatentable even though the prior product was made by a different process. In *re Thorpe*, 777 F.2d 695,698, 227 USPQ964, 966 (Fed. Cir. 1985). Furthermore, it is well established that a claimed apparatus cannot be distinguished over the prior art by a process limitation. Consequently, absent a showing of an obvious difference between the claimed product and the prior art, the subject product-by-process Claim limitation is not afforded patentable weight (see MPEP 2113).

Regarding to claim 8, Tanaka discloses in Figure 1, a lighting unit, particularly for vehicle headlights, (see column 1, lines 17-34).

Regarding to claim 10, Tanaka discloses in Figure 1, the optical compensating filter (14 and 15) is equally divided between two sides of the outer envelope (6) separated by a longitudinal axis at a lower portion of the outer envelope in an operating position.

Regarding to claim 11, Tanaka discloses in Figure 1, the optical compensating filter compensate for yellowish light (by using the different color pigments, see column 6, lines 51-54) so that a light output has reduced yellowish coloration.

Regarding to claim 12, Tanaka discloses in Figure 1, a condensate having a particular color formed in the discharge vessel, the optical compensating filter being configured to compensate for the particular color so that a light output of the gas-discharge lamp has reduced coloration of the particular color.

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Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka (EP 0,935,277), of record, in view of Kirsten (US 6,530,678) as applied to claim 1 above, and further in view of Yamaoto (US 5,111,105), of record.

Regarding claim 5, Tanaka in view of Kirsten teaches all of the claimed limitations except for an additional optical filter provided for color shifting purposes.

Further regarding claim 5, Yamamoto teaches in Figures 2 and 3, a lamp having a optical filter (8) for providing for color shifting purposes (see column 2, lines 1-18) for the purpose of achieving desired color so when the passing vehicle coming from the opposite direction that the other driver is not dazed by the glare of the headlight.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilize the optical filter of Yamamoto for the gas discharge lamp of Tanaka in view of Kirsten in order to achieve desired color so when the passing Vehicle coming from the opposite direction that the other driver is not dazed by the glare of the headlight.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka (EP 0,935,277), of record, in view of Kirsten (US 6,530,678) as applied to claim 1 above, and further in view of Kiryu (US 6,583,564), of record.

Regarding claim 9, Tanaka in view of Kirsten teaches all of the claimed limitations except for the optical compensating filter extends over a circumference of the outer envelope at an angular range of approximately 170°.

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Further regarding claim 9, Kiryu teaches in Figure 1, a gas-discharge lamp having the optical compensating filter extends over a circumference of the outer envelope at an angular range of approximately 170° (see column 6, lines 55-62) for the purpose of filtering unwanted light and achieving the desired light pattern.

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilize the optical compensating filter of Kiryu for the gas discharge lamp of Tanaka and Kirsten in order to filter the unwanted light and achieve the desired light pattern

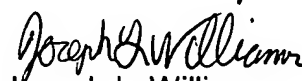
#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Williams whose telephone number is (571) 272-2465. The examiner can normally be reached on M-F (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Joseph L. Williams  
Primary Examiner  
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